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11 Attorneys for Plaintiff
12 HSR General Engineering Contractors, Inc.

13
14 UNITED STATES BANKRUPTCY COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16

17 In re:

18 HSR GENERAL ENGINEERING
19 CONTRACTORS, INC.,

20 Debtor.

21 HSR GENERAL ENGINEERING
22 CONTRACTORS, INC.,

23 Plaintiff,

24 v.

25 SAFECO INSURANCE COMPANIES, et
al.,

26 Defendants.
27
28

Case No. 10-58737

Chapter 11

Adversary No. 10-05309 CN

**STIPULATION TO EXTEND FACT
DISCOVERY CUTOFF AND
DISPOSITIVE MOTION DEADLINE AS
TO DEFENDANTS ONLY; [PROPOSED]
ORDER THEREON**

1 The parties to this adversary proceeding, by and through their respective counsel, and
2 pursuant to B.L.R. 9006-1(c), enter into the following stipulation:

3 **RECITALS**

4 A. On August 12, 2011, the Court granted defendants' motion to compel against
5 plaintiff.

6 B. On August 24, 2011, the Court entered an order continuing the fact discovery
7 cutoff to September 30, 2011 in order to permit defendants to review and copy documents to be
8 produced by plaintiff in response to defendants' first request for production of documents and,
9 thereafter, to conduct plaintiff's Fed.R.Civ.Proc. 30(b)(6) deposition.

10 C. At the status conference on September 7, 2011, defendants' counsel advised the
11 Court that defendants were still waiting for proposed dates to review and copy plaintiff's
12 documents and conduct plaintiff's Fed.R.Civ.Proc. 30(b)(6) deposition, and plaintiff's counsel
13 indicated that these dates would be provided.

14 D. Subsequently, defendants' counsel requested proposed dates via numerous
15 telephone calls and e-mails to plaintiff's counsel.

16 E. On September 26, 2011, defendants' counsel left a voice-mail message and sent a
17 follow-up e-mail to plaintiff's counsel requesting a response and asking whether plaintiff's
18 counsel would stipulate to an extension of the September 30, 2011 fact discovery cutoff in the
19 event that the parties were unable to complete the above-referenced discovery by that date.

20 F. On September 27, 2011, plaintiff's counsel sent an e-mail response indicating that
21 plaintiff was willing to stipulate and that he was "getting documents."

22 G. On September 28, 2011, defendants' counsel sent an e-mail response indicating
23 that he would prepare a stipulation, but noting that defendants would be required to file a motion
24 to compel to preserve their rights in the event that the stipulation was not approved. A copy of
25 the e-mail string reflecting the communications discussed in Paragraphs E-G above is attached as
26 Exhibit 1.

AGREEMENT

1. The above recitals are incorporated into this stipulation.

2. The parties agree to and request that the Court approve an extension of the fact discovery cutoff from September 30, 2011, to October 31, 2011, for the sole purpose of permitting defendants to review and copy plaintiff's document production and conduct plaintiff's Fed.R.Civ.P. 30(b)(6) deposition.

3. The parties further agree to and request that the Court approve an extension of the deadline for defendants only to file dispositive motions from October 31, 2011, to November 30, 2011.

4. Because the Court has not yet set a trial date, the time extensions requested above will not affect the case schedule. Further, the time extensions requested above will obviate the need for defendants to file a second motion to compel to obtain the subject discovery. Thus, the parties submit that good cause exists for the time extensions requested above.

IT IS SO AGREED.

DATED: September 29, 2011 SEDGWICK LLP

By: /s/ Joel M. Long _____
Joel M. Long
Attorneys for Putative Defendants
Safeco Insurance Companies, Liberty Mutual Group, and
Safeco Corporation and defendant First National
Insurance Company of America

DATED: September 29, 2011 CAMPEAU GOODSSELL SMITH, L.C.

By: /s/ Gregory Charles _____
Gregory Charles
Attorneys for Plaintiff
HSR General Engineering Contractors, Inc.

B.L.R. 9006-1(c) DECLARATION OF JOEL M. LONG

I, Joel M. Long, declare as follows:

1. I am licensed to practice law before all courts of the State of California and before this Court, and I am an attorney with the law firm of Sedgwick LLP (formerly Sedgwick, Detert,

1 Moran & Arnold LLP), counsel of record for putative defendants Safeco Insurance Companies,
2 Liberty Mutual Group, and Safeco Corporation and defendant First National Insurance Company
3 of America. I am one of the attorneys who has performed legal services on defendants' behalf in
4 this adversary proceeding, as well as on behalf of creditor First National Insurance Company of
5 America in the main Chapter 11 bankruptcy proceeding.

6 2. The matters stated in this declaration are of my own personal knowledge except as
7 to those matters which are based on information and belief, and as to those matters, I am
8 informed and believe them to be true. If called upon I could and would competently testify to all
9 matters stated in this declaration under oath.

10 3. The reason for the parties' stipulation to extend the fact discovery cutoff and
11 dispositive motion deadline as described above is to permit defendants to review and copy
12 plaintiff's document production and conduct plaintiff's Fed.R.Civ.P. 30(b)(6) deposition, while
13 obviating the need for defendants to file a second motion to compel to obtain the subject
14 discovery.

15 4. The fact discovery cutoff and the dispositive motion deadline have been modified
16 once before in connection with defendants' prior motion to compel against plaintiff.

17 5. I do not believe that the time extensions requested by the parties will affect the
18 case schedule based on the fact that that the Court has not yet set a trial date in this adversary
19 proceeding.

20 I declare under penalty of perjury that the foregoing is true and correct. Executed this
21 29th day of September, 2011.

22 /s/ Joel M. Long
23 Joel M. Long
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1 **[PROPOSED] ORDER**

2 Based on the stipulation of the parties and for good cause shown, the Court orders as
3 follows:

4 1. The fact discovery cutoff is continued from September 30, 2011, to October 31,
5 2011, for the sole purpose of permitting defendants to review and copy plaintiff's document
6 production and conduct plaintiff's Fed.R.Civ.P. 30(b)(6) deposition.

7 2. The deadline for defendants only to file dispositive motions is continued from
8 October 31, 2011, to November 30, 2011.

9 **IT IS SO ORDERED.**

10 DATED: _____

11 _____
Charles Novack
United States Bankruptcy Court Judge

EXHIBIT 1

Long, Joel

From: Greg Charles [gcharles@campeaulaw.com]
Sent: Tuesday, September 27, 2011 5:11 PM
To: Long, Joel
Subject: Re: HSR v. Safeco Adv. Proc.

Importance: High

I will and I am getting your docs.

Gregory J. Charles, Esq.
Campeau Goodsell Smith, LC
440 North 1st Street, Ste. 100
San Jose, California 95112

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On Sep 26, 2011, at 12:45 PM, Long, Joel wrote:

Greg:

I just left a message. I have not heard back from you, and the deadline to complete this discovery (document review/copying and deposition) is this Friday. I would appreciate a response. And if we are unable to complete the discovery this week (which seems likely), then I assume that you/HSR will stipulate to continuing the September 30 deadline for a short period of time. Please confirm.

Joel M. Long
joel.long@sedgwicklaw.com | 415.627.1432 direct

<image001.png>

*Our San Francisco office has moved. Please note the new address.
Phone and fax numbers remain the same.*

333 Bush Street, 30th Floor
San Francisco, CA 94104-2834
415.781.7900 phone | 415.781.2635 fax | www.sedgwicklaw.com

From: Long, Joel
Sent: Wednesday, September 21, 2011 11:24 AM
To: 'Greg Charles'
Subject: FW: HSR v. Safeco Adv. Proc.
Importance: High

Greg:

I am following up on the request below and as discussed at the September 13, 2011 status conference. I just called your office three times, and I think you may be having some phone issues, because the first two times I was transferred and no one picked up, and the third time reception didn't pick up and I was on hold. In any event, please immediately provide dates for a document review and HSR's 30(b)(6) deposition, both of which need to be completed by September 30.

Joel M. Long
joel.long@sedgwicklaw.com | 415.627.1432 direct

<image001.png>

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From: Long, Joel
Sent: Wednesday, September 07, 2011 3:56 PM
To: 'Greg Charles'
Subject: HSR v. Safeco Adv. Proc.

Greg:

As you know, the defendants wish to review and copy HSR's document production in response to the defendants' discovery and then take HSR's FRCP 30(b)(6) deposition, all to occur before September 30, 2011. Please provide available dates for the document review and copying, preferably within the next week to ten days. Please also provide available deposition dates within the last ten days or so of September.

Thanks.

Joel M. Long
joel.long@sedgwicklaw.com | 415.627.1432 direct

<image001.png>

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